

Pimpare, Justin

From: Spinale, Mark
Sent: Tuesday, February 16, 2021 4:38 PM
To: Pimpare, Justin
Subject: RE: FOIA response for CLF

Jay, see my minor edits below in red. I don't think it's necessary to go into that the original ERP is somewhere in the office building.

Let me know if you have any questions, otherwise feel free to send to Ellen for incorporation.

*Mark Spinale, Manager
Municipal Assistance Section
EPA Region 1
5 Post Office Square, Suite 100
Mail Code 06-2
Boston, MA 02109-3912
617.918.1547 (ph.)
617.918.0547 (fax)
spinale.mark@epa.gov*

From: Pimpare, Justin <Pimpare.Justin@epa.gov>
Sent: Tuesday, February 16, 2021 3:54 PM
To: Spinale, Mark <Spinale.Mark@epa.gov>
Subject: FOIA response for CLF

Here is the official request again to refresh the memory along with my response below:

Requested records relate to the Massachusetts Water Resources Authority ("MWRA") in relation to National Pollutant Discharge Elimination System Permit No. MA0103284 authorizing certain discharges from MWRA Publicly Owned Treatment Works ("POTW") Deer Island Treatment Plant, Deer Island, Boston, MA 02152. CLF requests the following: • MWRA's "enforcement response plan" associated with this permit. • Approval by U.S. Environmental Protection Agency (EPA) of the MWRA's "enforcement response plan" associated with this permit. • Any and all correspondence from January 2015 to the present between EPA staff and MWRA staff regarding pollution prevention and enforcement actions undertaken (or not) by MWRA under Permit No. MA0103284. • Any and all correspondence from January 2015 to the present within, between, and/or among EPA staff regarding pollution prevention and enforcement actions undertaken (or not) by MWRA under Permit No. MA0103284

Here is my response. Let me know your thoughts or if you want to edit. Not sure if we want to say the 1992 approval is hard copy only buried in a file room and we are not in the office or its fine as is below.

EPA approved the original MWRA Enforcement Response Plan (ERP) in 1992. In a letter dated August 17, 2017, MWRA sent EPA minor revisions to the ERP in response to the requirements of the NPDES permit (MA0100404) for the MWRA Clinton facility. Although the MWRA Clinton permit was not referenced in the FOIA request, the revised ERP pertains to both the Clinton and Deer Island pretreatment programs.

The 2017 revised ERP consisted of minor organizational changes and the tiered level of enforcement responses did not change from the 1992 ERP. Since the 2017 ERP revisions were considered minor and the actual ERP did not change, the

updated ERP was treated as non-substantial modification to MWRA's pretreatment program and there was no formal approval necessary by EPA pursuant to 40 CFR 403.18(d)(3) as follows:

(3) If the Approval Authority does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under paragraph (b)(7) of this section, the POTW may implement the modification.

EPA considers the updated 2017 ERP to be approved and in effect as part of MWRA's approved pretreatment program. Attached are two documents entitled Final ERP Guide (outlining MWRA's enforcement response options) and ERP Organizational Changes (describing the organizational revisions) that you requested.

Justin Pimpare
Regional Pretreatment Coordinator
5 Post Office Square
Suite 100 OEP 06-03
Boston, MA 02109
617 918 1531